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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,074	03/06/2002	Stephen Paul Maginas		8494

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Stephen P. Maginas
3404 25th Street
Rock Island, IL 61201

EXAMINER

WOO, STELLA L

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,074

Applicant(s)

MAGINAS, STEPHEN PAUL

Examiner

Stella L. Woo

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. Applicant's amendment document filed on December 8, 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, June 30, 2003). A complete listing of all of the claims is not present.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at:
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03165654 A (hereinafter "Ota") in view of Clapper (US 2002/0080941 A1).

Ota discloses a communication apparatus (Figure 1) comprising:

a substrate (card storage medium 5);

machine readable data disposed upon or within said substrate comprising commands directing a communication device to transmit said message (dialing information is stored onto the card storage medium 5 so that when the card storage medium 5 is loaded to a card reader 4 of telephone set 1, the opposite party is dialed and a message, including name and address information, is automatically sent to the opposite party; Abstract and Constitution).

Ota differs from claim 21 in that although it provides some human readable data (telephone number data, which is stored on card storage medium 5, is printed on each card storage medium 5, allowing the user to know what telephone number is stored on the card; Figure 1), it does not teach the human readable data as fully disclosing the message information, which is stored along with the telephone number data. However, Clapper teaches a message card and the desirability of printing stored messages on the face of the card (page 3, para. 36) such that it would have been obvious to an artisan of ordinary skill to incorporate such disclosure of stored messages, as taught by Clapper, within the message card of Ota so that a user is informed of the particular message stored on the card medium as well as the telephone number data.

Ota further differs from claim 21 in that although Ota provides for additional machine-readable commands and additional data (note multiple card storage media 5 with different telephone number data in Figures 1 and 2), it does not teach the additional commands and data being disposed on the same substrate. However, Clapper teaches the provision of multiple predefined messages on the same message card (page 3, para. 36) such that it would have

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been obvious to artisan of ordinary skill at the time of invention to provide additional data on the same substrate, as taught by Clapper, within a card storage medium of Ota so that a user can conveniently select from a plurality of messages and associated destinations using a single card medium.

5. Claims 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view of Clapper, as applied to claim 21 above, and further in view of Taskett (US 5,923,734).

The combination of Ota and Clapper differs from claims 22-30 in that it does not teach the human readable data as comprising directions. However, Taskett teaches the desirability of providing complete instructions on the face of a telephone card (see Figure 1) such that it would have been obvious to an artisan of ordinary skill to provide complete instructions, as taught by Taskett, within the combination of Ota and Clapper in order to provide directions to any user of the card.

Regarding claim 23, Taskett provides for disclosing international or common standards (note step 3 of instructions in Figure 1).

Regarding claims 24, 26, in Taskett, the bottom of card 100 indicates that complete instructions, terms and conditions are enclosed (Figure 1).

Regarding claim 25, Clapper provides for using a magnetic strip card reader (col. 4, lines 52-56).

Regarding claim 31, Ota provides for attaching a card holder 6 to the telephone apparatus (see Figure 1).

Response to Arguments

6. Applicant's arguments filed December 8, 2005 have been fully considered but they are not persuasive.

Applicant argues that "Ota does not teach that the machine readable dialing information on the substrate, which directs the communication device to function, is fully disclosed in human readable text." However, Ota clearly provides stored telephone number data in printed form upon each card storage medium 5, allowing the user to know what telephone number is stored on the card (Figure 1).

Applicant argues that "no suggestion is made by Clapper that other items in Fig. 5 (message card 100) to be printed or otherwise disclosed in human readable data." However, Clapper was relied upon to show printing upon a message card stored messages which are delivered to the called party (page 3, para. 36). It is irrelevant as to the other data stored within Clapper since the claim does not require storing and disclosing the other data items stored in Clapper's message card. Since the card storage medium of Ota stores only dialing information and a predefined message, the combination of Ota and the teaching of Clapper provides for fully disclosing the dialing information and the predefined message.

Applicant argues that the claimed distinctions provide unexpected results "allowing multiple persons to make as easy use of said apparatus as the person to whom it was assigned, since contrary to all current trends the full disclosure of machine readable data on the invention as manufactured would function to

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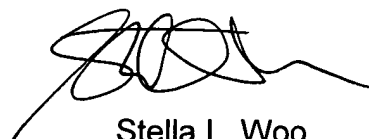
remove any encryption or disguise of said data.” However, the message card of Ota can be similarly used by multiple persons since it contains no encrypted or disguised information.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
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